

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight
and Scott Siegel

Application No.: 09/927,703

Group Art Unit: 1644

Filed: August 10, 2001

Examiner: Phillip Gambel

Confirmation No.: 8249

Title: ANTI-TNF ANTIBODIES AND PEPTIDES OR HUMAN TUMOR NECROSIS FACTOR

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
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INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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180.00 GP

Sir:

This Supplemental Information Disclosure Statement is submitted under 37 CFR 1.97(c) together with a \$180.00 fee under 37 CFR 1.17(p).

INFORMATION FROM RELATED LITIGATION

The Rockefeller University and Chiron Corporation have filed a complaint in The United States District Court For the Eastern District of Texas, Marshall Division, Civil Action No. 2-04CV-16, against Centocor, Inc., an assignee of this application, for infringement of U.S. Patent Nos: 6,309,640 and 6,419,927. The accused infringement relates to Centocor, Inc.'s product, REMICADE® infliximab. REMICADE® infliximab is also known as cA2, which is recited in the claims and specification in this application. The validity of this patent application is not at issue in the litigation. Nor is the validity of any related patents or patent applications at issue in this litigation.

Enclosed herewith is Form PTO-1449, citing U.S. Patent Nos: 6,309,640 and 6,419,927 and their related European application. Copies of these cited references (AC13, AD13, and AL9, respectively) are enclosed.

09/927703⁻²⁻

Applicants do not believe that this information is relevant or material to patentability. Applicants merely cite this information in an abundance of caution. Further, Applicants believe that this information is cumulative to References AA and AB, which were cited in the Information Disclosure Statement filed in this application on October 30, 2001. Reference AC13 is a continuation application of Reference AD13, which is, in turn, a continuation application of References AA and AB and thus have substantially identical disclosures and have the same priority date. In addition, Reference AL9 claims priority to the same priority applications as References AA and AB and has a substantially identical disclosure.

Applicants request that the information disclosed herein be made of record in this application. Applicants respectfully request that the Examiner return a copy of this Supplemental Information Disclosure Statement and acknowledge the information from the related litigation.

☒ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

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U.S. Patent Application No. 10/319,011, by Junming Le, Jan Vilcek, Peter Daddona, John Ghayeb, David Knight and Scott Siegel, filed December 12, 2002, Docket No.: 0975.1005-029.

U.S. Patent Application No. 10/371,443, by Junming Le, Jan Vilcek, Peter Daddona, John Ghayeb, David Knight and Scott Siegel, filed February 21, 2003, Docket No.: 0975.1005-031.

U.S. Patent Application No. 10/371,962, by Junming Le, Jan Vilcek, Peter Daddona, John Ghayeb, David Knight and Scott Siegel, filed February 21, 2003, Docket No.: 0975.1005-032.

U.S. Patent Application No. 10/371,961, by Junming Le, Jan Vilcek, Peter Daddona, John Ghayeb, David Knight and Scott Siegel, filed February 21, 2003, Docket No.: 0975.1005-033.

U.S. Patent Application No. 10/379,866, by Junming Le, Jan Vilcek, Peter Daddona, John Ghayeb, David Knight and Scott Siegel, filed March 4, 2003, Docket No.: 0975.1005-034.

U.S. Patent Application No. 10/665,971, by Junming Le, Jan Vilcek, Peter Daddona, John Ghayeb, David Knight and Scott Siegel, filed September 19, 2003, Docket No.: 0975.1005-036.

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U.S. Patent Application No. 10/774,118, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed February 6, 2004, Docket No.: 0975.1005-038.

U.S. Patent Application No. 11/053,749, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight, Scott Siegel and Bernard Scallon, filed February 7, 2005, Docket No.: 0975.1005-040.

U.S. Patent Application No. 11/195,589, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight, Scott Siegel and Bernard Scallon, filed August 2, 2005, Docket No.: 0975.1005-042.

U.S. Patent Application No. 11/010,954, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed December 13, 2004, Docket No.: 0975.1005-043.

U.S. Patent Application No. 11/182,033, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight, Scott Siegel and David Shealy, filed July 14, 2005, Docket No.: 0975.1005-044.

U.S. Patent Application No. 11/053,750, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight, Scott Siegel and Bernard Scallon, filed February 7, 2005, Docket No.: 0975.1005-045.

U.S. Patent Application No. 10/957,549, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed September 30, 2004, Docket No.: 0975.1005-047.

U.S. Patent Application No. 10/957,134, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed September 30, 2004, Docket No.: 0975.1005-048.

U.S. Patent Application No. 11/297,810, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed December 8, 2005, Docket No.: 0975.1005-049.

U.S. Patent Application No. 11/170,753, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed June 29, 2005, Docket No.: 0975.1005-050.

U.S. Patent Application No. 11/143,926 by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed June 2, 2005, Docket No.: 0975.1005-052.

U.S. Patent Application No. 11/179,359, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed July 12, 2005, Docket No.: 0975.1005-054.

U.S. Patent Application No. 11/181,030, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed July 13, 2005, Docket No.: 0975.1005-055.

U.S. Patent Application No. 11/297,655, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed December 8, 2005, Docket No.: 0975.1005-056.

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U.S. Patent Application No. 11/314,941, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel, filed December 20, 2005, Docket No.: 0975.1005-059.

- ☐ A copy of each above-cited applications, including the current claims, is enclosed.
- ☒ The specifications for the above cited co-pending applications are substantially identical to the present specification (09/927,703) and the specification of the priority application, U.S. Application No. 09/756,398, to which priority under 35 U.S.C. 120 is claimed. The specifications for the remaining cited co-pending published applications, U.S. Patent Application Nos. 11/010,954 and 11/182,033, which are continuation-in-part applications, are not being provided because copies of published U.S. applications are no longer required. Therefore, only copies of the current claims for these applications are enclosed. Copies of the specifications of the co-pending applications will be provided upon request.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Peter G. Miller
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